

# EXHIBIT C

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

STEPHEN ELLIOTT,

*Plaintiff,*

- against -

MOIRA DONEGAN, and JANE DOES (1–30),

*Defendants.*

No. 1:18-cv-05680-LDH-SJB

**ORDER**

BULSARA, United States Magistrate Judge:

Following the parties’ joint request, the Court concludes that good cause exists to establish certain confidentiality and notice requirements for Plaintiff Stephen Elliott’s non-party subpoena to *The New Republic* under Federal Rule of Civil Procedure 45. Accordingly:

**IT IS ORDERED** that Plaintiff shall attach a copy of this Order to his subpoena to *The New Republic*; and

**IT IS FURTHER ORDERED** that, in responding to Plaintiff’s subpoena, *The New Republic* shall use reasonable efforts to redact all information that reveals, or in combination with any other information tends to reveal, the identity of any person who experienced sexual harassment, assault, or abuse. To avoid doubt, such personal identifying information includes but is not limited to any email address and/or Gmail account name, IP address, IP address history, name, handle, alias, address, and telephone number of any such individual; and

**IT IS FURTHER ORDERED** that *The New Republic* will provide Plaintiff with an invoice for the reasonable costs incurred to complete these redactions, if any, and that Plaintiff

will

reimburse *The New Republic* for any such reasonable costs; and

**IT IS FURTHER ORDERED** that, should Plaintiff wish to obtain redacted identifying information contained in *The New Republic*'s productions, Plaintiff shall file a letter motion in this Court specifying the information that Plaintiff wishes *The New Republic* to un-redact and for what purpose (an "Unmasking Motion"), and, on the same day, Plaintiff shall serve a copy of that motion on *The New Republic*; and

**IT IS FURTHER ORDERED** that within 14 days of being served a copy of an Unmasking Motion, *The New Republic* shall serve a copy of the Unmasking Motion, this Order, and Plaintiff's subpoena upon the individual whose personal identifying information is the subject of the Unmasking Motion (an "Anonymous Third Party"). These measures are appropriate to place Anonymous Third Parties on notice of Plaintiff's efforts to obtain their identifying information, as well as their rights to take legal action (including to contest Plaintiff's subpoena, to contest the Unmasking Motion, and/or to litigate anonymously). In this regard, service by *The New Republic* on an Anonymous Third Party may be made using any reasonable means, including email or written notice sent to his or her last known address, transmitted either by first-class or overnight mail; and

**IT IS FURTHER ORDERED** that an Anonymous Third Party will have a period, within 30 days after service, to file any motions with this Court contesting Plaintiff's subpoena to *The New Republic* (including a motion to quash or modify the subpoena or to seek a protective order) or contesting Plaintiff's Unmasking Motion, as well as any request to litigate anonymously. *The New Republic* may not disclose an Anonymous Third Party's identifying information to Plaintiff, or his counsel or agents, at any time before the expiration of the applicable 30-day period after the date of service on the Anonymous Third Party; and

**IT IS FURTHER ORDERED** that if *The New Republic* or any individual whose identifying information may be implicated by Plaintiff's subpoena files a motion to quash the subpoena, or an Anonymous Third Party contests an Unmasking Motion or moves to litigate anonymously, *The New Republic* may not turn over any identifying information to Plaintiff, or his counsel or agents, until the issues set forth in the motion to quash, Unmasking Motion, or motion to litigate anonymously have been addressed and the Court issues an Order instructing *The New Republic* to resume in turning over the requested information; and

**IT IS FURTHER ORDERED** that any information ultimately disclosed to Plaintiff in response to its subpoena to *The New Republic* may be used by Plaintiff solely for the purpose of protecting his rights as set forth in the Second Amended Complaint.

Dated: Brooklyn, New York  
December 8, 2020

SO ORDERED,

/s/ *Sanket J. Bulsara*

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SANKET J. BULSARA  
United States Magistrate Judge